

In the United States District Court
For the Middle District of North Carolina



**Brian David Hill,
Petitioner/Defendant**

v.

**United States of America,
Respondent/Plaintiff**

)
)
)
) **Criminal Action No. 1:13-CR-435-1**
)
) **Civil Action No. 1:17-CV-1036**
)
)
)

**NOTICE OF WITHDRAWAL OF DEFENDANT/PETITIONER'S MOTION
TO RECONSIDER (DKT. 234)**

Criminal Defendant and § 2255 Motion Petitioner Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant", "Petitioner") files this NOTICE of withdrawing his earlier Motion to Reconsider (Document #234) as MOOT.

Brian also requests that Document #234 and all attachments remain as part of the record as evidence, and that the Clerk keep it filed for any future motions which may reference that document or it's attachment but is only withdrawing it from asking for any action. Brian had received a different kind of relief so the motion had good cause but is now moot for the reasons explained herein.

On December 10, 2019, Criminal Defendant and § 2255 Motion Petitioner Brian David Hill filed his Motion to Reconsider, Dkt. No. 234.

Brian had self-reported to Federal Medical Center (FMC) Lexington, Kentucky right before 12:00 noon around December 6, 2019. Brian had gone through Receiving and Discharge (R&D). Brian had gotten settled into his Unit but had not gotten any diabetic insulin and had gotten no food for many hours and Medical had

done nothing to test his diabetic blood sugar readings. In fact he was given no diabetic insulin at all and no food at all while even at the facility for whatever reason that may be. Anyways, within hours, he was reported to appear before the Unit Case Manager who was a woman. She told Brian that the BOP ordered for his immediate release. Brian had looked at the papers on her desk and it said that there was an "audit" on his sentence calculations. Also good time credit was used, likely from the passage of the First Step Act federal law that Donald John Trump had signed into law. The good behavior/good-time credits, had him overserving his sentence. So Brian was ordered to be immediately released from Federal Prison.

Brian believes that the audit or investigation conducted was correct and had calculated the sentence correctly as it came from the Designation and Sentence Computation Center (DSCC).

At this time, the relief requested from his earlier Document #234 Motion to Reconsider is moot as there is no sentence left to serve to ask for home detention in lieu of. Therefore Brian David Hill now files this Notice to inform the Court that he is withdrawing his previously filed Motion under Document #234 but requests that the motion and attachments remain on the record in this case but simply mark it as withdrawn or that the Motion be denied by this Honorable Court in alternative.

Also the Court should take Judicial Notice that the U.S. Attorney Office had not filed any responses to and neither files a contest to Dkt. 217 "MOTION entitled "Request that the U.S. District Court Vacate Fraudulent Begotten Judgment, Vacate the Frauds upon the Court against Brian David Hill", filed by BRIAN DAVID HILL re: [199] Motion. **Response to Motion due by 12/2/2019** (Attachments: # (1) Envelope - Front and Back) (Garland, Leah) Modified on 11/12/2019 to correctly link document. (Garland, Leah)", and the other motions for

sanctions in regards to Fraud upon the Court. The Government doesn't respond to any of them when the deputy clerk files Brian's motions with a "Response to Motion due by" and then had served the U.S. Attorney Office with that very docket text and document through Notice of Electronic Filing (NEF) through CM/ECF. Any uncontested motions are normally supposed to be granted when uncontested. When no response had been filed when the Clerk directs the other party that they have an opportunity to respond to the motion or even the Petitioner's objections to the Magistrate's Order and Recommendation, Motions that are uncontested in civil cases after a certain deadline with no response are normally granted as a matter of course. The past orders of this court should be ruled as void judgments. The Court should act upon the motions for sanctions as is the Court's inherit power to sanction frauds upon the court. Brian had filed a Writ of Mandamus under case no. #19-2338 requesting that the District Court be ordered to rule on those fraud motions. The Fraud Upon the Court proves that this case cannot continue under Anand Prakash Ramaswamy as he will continually defraud the court, lie about Brian David Hill, ignore evidence, and make Brian David Hill suffer unlawful consequences due to illegal/void court orders. The orders are illegal when grounded on fraud. They are void judgments. A court cannot ignore evidence of void judgments and judgments that are in excess of jurisdiction. A want of jurisdiction does not give a Court jurisdiction where none existed. Jurisdiction isn't regarding only territorial matters. Courts across the country have ruled as a matter of law of inherit powers and case law that any frauds upon the court that such material is taken into consideration as part of any judgment or order are void judgments as those judgments were grounded in fraud. Can be challenged at any time in any court, no statute of limitations for challenging fraud. The Court needs to consider that all judgments need to be vacated otherwise the Writ of Mandamus

was an appropriate vehicle used to deal with the dereliction of duty of this lower court refusing to take any action on the documented frauds upon the court.

Respectfully filed with the Court, this the 12th day of December, 2019.

Respectfully submitted,

Brian D. Hill
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

Petitioner also requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that "The officers of the court shall issue and serve all process, and preform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases". Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail.

Thank You!

CERTIFICATE OF SERVICE

Petitioner/Defendant hereby certifies that on December 12, 2019, service was made by mailing the original of the foregoing:

“NOTICE OF WITHDRAWAL OF DEFENDANT/PETITIONER’S MOTION TO RECONSIDER (DKT. 234)”

by deposit in the United States Post Office, in an envelope (Certified Mail), Postage prepaid, on December 12, 2019 addressed to the Clerk of the Court in the U.S. District Court, for the Middle District of North Carolina, 324 West Market Street, Greensboro, NC 27401.

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CM/ECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office Civil Case # 1:17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 Anand.Ramaswamy@usdoj.gov	Angela Hewlett Miller U.S. Attorney Office Civil Case # 1: 17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 angela.miller@usdoj.gov
JOHN M. ALSUP U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 john.alsup@usdoj.gov	

This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

Date of signing: <u>Dec. 12, 2019</u>	Respectfully submitted, <u>Brian D. Hill</u> <i>Signed</i> Signed Brian D. Hill (Pro Se) 310 Forest Street, Apartment 2 Martinsville, Virginia 24112 Phone #: (276) 790-3505 U.S.W.G.O.
--	---

	<p>I stand with QANON/Donald-Trump – Drain the Swamp I ask Qanon and Donald John Trump for Assistance (S.O.S.) Make America Great Again</p>
--	---

I ask Department of Defense (“DOD”) military Constitutional oath keepers,
alliance, Qanon for help in protecting me from corruption and criminal behavior of
Government.

Certified Mail tracking no: 7019-2280-0000-8093-8823

Friend’s justice site: JusticeForUSWGO.wordpress.com